

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

Igal Sargy

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

The City of New York; The 77th
Precinct; Police Officer Richard
Finklestein

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil
Rights

(Non-Prisoner Complaint)

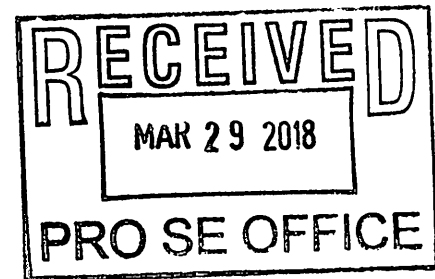
CV18-1975

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

KUNTZ, J.

BLOOM, M.J.



NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Igal Saay</u>
Street Address	<u>[REDACTED]</u>
City and County	<u>[REDACTED]</u>
State and Zip Code	<u>[REDACTED]</u>
Telephone Number	<u>[REDACTED]</u>
E-mail Address	<u>[REDACTED]</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>The City of New York</u>
Job or Title (if known)	<u>c/o County Clerk - Kings County</u>
Street Address	<u>360 Adams Street, Room 189</u>
City and County	<u>Brooklyn (County of Kings)</u>
State and Zip Code	<u>New York 11201</u>
Telephone Number	<u>(347) 404-9750</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name The 77th Precinct
Job or Title c/o D.I. John Buttacavoli
(if known)
Street Address 127 Utica Avenue
City and County Brooklyn (County of Kings)
State and Zip Code New York 11213
Telephone Number (718) 735-0611
E-mail Address _____
(if known)

Defendant No. 3

Name Richard Finklestein
Job or Title Police Officer (Shield No. 26741)
(if known) c/o The 77th Precinct
Street Address 127 Utica Avenue
City and County Brooklyn (County of Kings)
State and Zip Code New York 11213
Telephone Number (718) 735-0611
E-mail Address _____
(if known)

Defendant No. 4

Name N/A
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Wrongful assault by police; false arrest and imprisonment; malicious prosecution without probable cause
(see attached Notice of Claim)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

On January 2, 2017, Police Officer Richard Finklestein and other officers from the 77th precinct tasered me, beat me, falsely arrested and imprisoned me, and the City of New York, with the other defendants, maliciously prosecuted me.
(see attached Notice of Claim)

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Brooklyn, NY in the vicinity of Albany Avenue and President Street and then the 77th Precinct in Brooklyn (see attached Notice of Claim)

- B. What date and approximate time did the events giving rise to your claim(s) occur?

January 2, 2017, from 6:30 p.m. approximately, until January 6, 2017
(see attached Notice of Claim)

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached Notice of Claim, incorporated here by reference.

My two children (L.S. and L.S.) saw the beating and arrest. Other parents and children saw the beating and arrest. I will try to get names. Other people too.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Four broken teeth from beating
Head and body injuries from beating
I received no medical attention from
the police

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- ① Damages for pain and suffering, physical and emotional damage, lost income
 - ② Punitive damages related to above
 - ③ General and special damages and costs and fees under 42 USC § 1983
 - ④ further damages and relief as the Court deems just and proper
- Damages for ①-④ in an amount to be determined
(see attached Notice of Claim)

VI. Certification and Closing

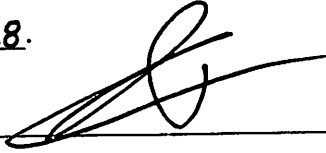
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 28, 2018.

Signature of Plaintiff

A handwritten signature in black ink, appearing to read 'Igal Sagy', written over a horizontal line.

Printed Name of Plaintiff

Igal Sagy

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

IGAL SAGY

-against-

THE CITY OF NEW YORK
-----X

NYC COMPTROLLER
BUR. INFORMATION SYSTEMS
CENTRAL IMAGING FACILITY
RECEIVED
2017 MAR 31 P 2:14

TO: Comptroller of the City of New York

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against you as follows:

- 1. The name and post office address of claimant and his attorney are:**

Claimant:

Igal Sagy
[REDACTED]

Attorney:

Jeffrey A. Rothman, Esq.
315 Broadway, Suite 200
New York, NY 10007

- 2. The nature of the claim:**

Claim for false arrest, assault and battery, malicious prosecution, abuse of process, intentional and negligent infliction of emotional distress, unlawful search and seizure, trespass, negligence, negligent hiring, screening, retention, supervision, and training, trespass, and violation of civil rights pursuant to 42 U.S.C. § 1983.

Claim for personal injuries past and future, emotional, mental and psychological pain and suffering, and legal expenses, embarrassment and humiliation, and violation of civil rights sustained by claimant as a result of the intentional, reckless, careless, and/or negligent acts, and violation of claimant's civil rights by employees, servants and agents of the New York City Police Department, acting in the alleged performance of their employment and with apparent authority, and as a result of the acts of the New York City Police Department in their ownership, operation, maintenance, supervision and control of their employees, agents, or servants and in the hiring, training, instructing, retaining, and/or supervising the incompetent, unfit, dangerous and/or unsuitable employees, agents, or servants by whom claimant was injured.

3. The time when, place where, and the manner in which, the claim arose:

These claims arose on or about 6:30-7:30 p.m. on January 2, 2017, and thereafter, at or around the vicinity of Albany Avenue and President Streets, Brooklyn, NY, when Claimant was, *inter alia*, wrongfully shot with a TASER(s), beaten, falsely arrested, and maliciously prosecuted, by members of the NYPD, including a Police Officer Richard Finkelstein, Shield No. 26741, without cause or justification. Claimant was wrongfully held in custody and charged with Robbery in the Third Degree, Grand Larceny in the Fourth Degree, Petit Larceny, Criminal Possession of Stolen Property in the Fifth Degree, Attempted Assault in the Third Degree, Menacing in the Third Degree, and Harassment in the Second Degree, based on the report of an obviously unreliable complaining witness under docket # 2017KN000745. All charges against Claimant were dismissed in their entirety on January 6, 2017.

4. The items of damage or injuries claimed are:

Claimant sustained injuries to his physical and emotional well-being, the full extent of which are as yet not fully determined. Claimant claims pain and suffering, lost income, damages for psychological pain and suffering and punitive damages, and diverse general and special damages, and damages under 42 U.S.C. §1983, of an amount to be determined.

The undersigned claimant presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of the presentation to you, the claimant intends to commence an action on the claim.

VERIFICATION:

State of New York)
) ss:
County of New York)

I, Igal Sagy, being duly sworn, deposes and says that deponent is the claimant in the within action; that deponent has read the foregoing Notice of Claim, and knows the contents thereof, and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes them to be true.


Igal Sagy

Sworn to before me this 31st
day of March, 2017


NOTARY PUBLIC

JEFFREY A. BETHMAN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 0206104562
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES JANUARY 26, 2018